

# Michigan Register

Issue No. 16– 2002 (Published September 15, 2002)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 16 — 2002

(This issue, published September 15, 2002, contains  
documents filed from August 15, 2002 to September 1, 2002)

Compiled and Published by the  
Office of Regulatory Reform

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Printed in the United States of America

**Michigan Register (ISSN 0892-3124).** Published twice per month, with a cumulative index, by the Office of Regulatory Reform, pursuant to §24.208 of the Michigan Compiled Laws. Subscription \$110 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933. Telephone: 517-373-0526.

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**John Engler, Governor**



**Dick Posthumus, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
  - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
  - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
  - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

#### **CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

#### **CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: [www.state.mi.us/orr](http://www.state.mi.us/orr)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director  
Office of Regulatory Reform



## 2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
1	January 15, 2002	February 1, 2002
2	February 1, 2002	February 15, 2002
3	February 15, 2002	March 1, 2002
4	March 1, 2002	March 15, 2002
5	March 15, 2002	April 1, 2002
6	April 1, 2002	April 15, 2002
7	April 15, 2002	May 1, 2002
8	May 1, 2002	May 15, 2002
9	May 15, 2002	June 1, 2002
10	June 1, 2002	June 15, 2002
11	June 15, 2002	July 1, 2002
12	July 1, 2002	July 15, 2002
13	July 15, 2002	August 1, 2002
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15	August 15, 2002	September 1, 2002
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19	October 15, 2002	November 1, 2002
20	November 1, 2002	November 15, 2002
21	November 15, 2002	December 1, 2002
22	December 1, 2002	December 15, 2002
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**ADMINISTRATIVE RULES**  
**FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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**ORR # 2001-071**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTORS OFFICE**

**REAL ESTATE BROKERS AND SALESPERSONS**

Filed with the Secretary of State on August 20, 2002.

These rules take effect September 1, 2002

(By authority conferred on the director of the department of consumer and industry services by sections 205, 308, and 2504 of 1980 P.A. 299, MCL 339.205, 339.308, and 339.2504 and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 339.22101, R339.22103, R 339.22201, R 339.22203, R 339.22205, R 339.22207, R 339.22209, R 339.22211, R 339.22213, R 339.22215, R 339.22301, R 339.22305, R 339.22307, R 339.22309, R 339.22311, R 339.22313, R 339.22315, R 339.22317, R 339.22321, R 339.22323, R 339.22325, R 339.22333, R 339. 22337, R 339.22339, R 339.22401, R 339.22515, R 339.22519, R 339.22523, R 339.22527, R 339.22601, R 339.22609, R 339.22613, R 339.22631, R 339.22651, R 339.22655, R 339.22659, and R 339.22663 of the Michigan Administrative Code are amended, R 339.22525, R 339.22633, R 339.22635, R 339.22637, and R 339.22661 of the Code are rescinded, and R 339.22310, R 339.22602, R 339.22604, R 339.22605, R 339.22654, and R 339.22664 are added to the Code as follows:

**PART 1. GENERAL PROVISIONS**

**R 339.22101 Definitions.**

Rule 101. (1) As used in these rules:

- (a) "Approved as determined by the department" or "approval as determined by the department" means review and approval by the department or review by a statewide real estate related trade association designated by the department pursuant to section 210 of the code, recommendation by the statewide real estate related trade association to the department, and final approval by the department.
- (b) "Association" as referred to in section 2505 (1) of the code includes a limited liability company.
- (c) "Classroom" means either:
  - (i) A physical location where educational courses are offered and students and instructor are present.
  - (ii) A location where a student receives instruction through electronic means.
- (d) "Clock hour" means a period of not fewer than 50 minutes of actual classroom instruction, not including outside assignments and reading. For distance learning systems, "clock hour" means the amount of material a student can process in 50 minutes of computerized instruction.
- (e) "Code" means 1980 P.A. 299, MCL 339.101 et seq.
- (f) "Continuing education course" means a course that is represented as fulfilling the requirements of section 2504(4) of the code.

- (g) "Coordinator" means the individual who assumes the responsibility under these rules for offering approved courses.
- (h) "Credit hour" means not fewer than 10 clock hours of approved educational courses.
- (i) "Distance learning" means either of the following:
  - (i) Approved courses where instructor and student may be apart and instruction takes place through other media.
  - (ii) Approved courses which include but are not limited to instruction presented through interactive classrooms, computer conferencing, and interactive computer systems and which fulfill the requirements of section 2504(4) of the code.
- (j) "Directly" means in a direct way marked by the absence of any intervention, instrumentality, or influence; not concealed, not disguised.
- (k) "Electronic communication" means a communication created, stored, generated, received, or transmitted by electronic means in a format that allows text to be visually displayed or printed.
- (l) "Indirectly" means not resulting or occurring directly from obvious means or cause; remotely connected, concealed, or disguised.
- (m) "Instructor" means an individual who assumes responsibility under these rules for instructing an approved course. Instructors shall possess at least 1 of the following minimum qualifications:
  - (i) Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher learning.
  - (ii) Be a person properly licensed or certified by the department or other governmental agency who is engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects.
  - (iii) Be a person who possesses alternative qualifications approved by the department, and is qualified by experience, education, or both to supervise and instruct a course of study.
- (n) "Licensee" means a person who is licensed under article 25 of the code.
- (o) "Non-principal associate broker," referenced in sections 2508 (4) and 2509 (3) of the code, means an individual who is not a sole proprietor, an officer or equity owner, a member, manager, or general partner, in the association, partnership, corporation, or other entity authorized by the state of Michigan under which the business is organized.
- (p) "Principal associate broker," referenced in sections 2508 and 2509 of the code, means an individual who is a sole proprietor, member, manager, general partner, equity owner, or officer of the corporation, association, general partnership, or other entity authorized by the state of Michigan under which the business is organized.
- (q) "Prelicensure real estate course" or "prelicensure course" means a course that is represented to the public as fulfilling, in whole or in part, the requirements of section 2504 (1) and (2) of the code.
- (r) "Real estate school" or "institution" means an approved entity which represents to the public that any of its courses fulfill, in whole or in part, the requirements of section 2504 (1) and (2) of the code for prelicensure education. The entity shall also meet the requirements as set forth in section 2504 (8) of the code.
- (s) "Service provision agreement" means an agreement between the broker and client which establishes an agency relationship through a listing agreement or a buyer agency agreement.
- (t) "Sponsor" means a person, as defined in section 105 (5) of the code, and approved as determined by the department, which represents to the public that any of its courses fulfill the requirements of section 2504 (4) of the code for continuing education.
- (u) "Student" means a member of the public or a licensee who is attending an approved course designed to fulfill the requirements of section 2504 of the code.

(v) “Supervision,” as defined in R 339.22310, means the overseeing of, or participation in, the work of another licensed individual by a broker or associate broker.

(w) “Transfer” means a process used by a salesperson or non-principal associate broker to apply for and receive a license issued to a different employing broker.

(2) Terms defined in sections 103, 105, and 2501 of the code have the same meanings when used in these rules.

### **R 339.22103 Board meetings.**

Rule 103. Board meetings are held in accordance with 1976 P.A. 267, MCL 15.261 et seq. and are open to the public.

## **PART 2. LICENSING**

### **R 339.22201 Application; eligibility.**

Rule 201. (1) A license shall not be issued to an individual who is less than 18 years old.

(2) A broker license shall be issued to a legal entity only if the individual who holds the broker license is identified on the application as 1 of the following:

- (a) A sole proprietor.
  - (b) A partner in the partnership.
  - (c) A partner in a limited partnership.
  - (d) An officer for the corporation.
  - (e) A member or manager for the association.
  - (f) A holder of a responsible position of authority in any other legal entity authorized by the state of Michigan under which the business is organized.
- (3) Associate broker and salesperson licenses shall only be issued to individuals.
- (4) Associate brokers shall have met the requirements for broker licensure.
- (5) The department may require an applicant to submit a report from an independent source pertaining to his or her previous occupation, criminal record, or any other information material to the applicant's qualifications for licensure.

### **R 339.22203 Validity of broker education.**

Rule 203. (1) An applicant for a broker or associate broker license shall have completed 90 clock hours of qualifying prelicensure education of which 9 clock hours shall be on civil rights law and fair housing law, as defined in section 2504 (1) of the code. The broker pre-licensure education shall be completed not more than 36 months before the date of application, unless the applicant has held a license as a salesperson for that intervening period.

(2) Acceptable courses for pre-licensure education shall meet criteria established by the department, but may be reviewed and pre-approved by a statewide real estate trade association for subject matter relevant to the practice of real estate. Not more than 1 broker course on the same subject will be accepted for credit.

(3) In meeting the broker prelicensure education requirements, credit shall be given for either of the following:

- (a) Possession of a law degree, obtained at any time before the date of application, shall be equated to 60 clock hours of real estate education which includes 6 hours of instruction in civil rights law and fair housing law.
- (b) Possession of a master's degree in business administration from an accredited institution of higher learning shall be equated to 60 clock hours of real estate education.

**R 339.22205 Acceptable, related experience for broker applicants.**

Rule 205. (1) For purposes of calculating the time during which an applicant for a license as a broker or associate broker has been engaged in the real estate business as required by section 2505 (5) of the code, the following credit shall be granted by the department:

- (a) Real estate salesperson or broker: One year of credit for each 12-month period of licensure in which 6 or more real estate transactions, as defined in section 2501(b) of the code, are verified.
  - (b) Builder: One year of credit for each 12-month period in which 6 residential units, or 6 commercial units, or 6 industrial units, or a combination thereof, were built and personally sold or leased by the applicant.
  - (c) Investor: Six months of credit for each 6 real property transactions personally negotiated for a purchase or sale by the applicant for his or her own account with a maximum of 1 year of credit allowed. However, credit shall not be granted if the applicant has more than 6 sales in any 12-month period in violation of the provisions of R 339.22319.
  - (d) Land or condominium developers: One year of credit for each 2 developments or subdivisions containing not fewer than 10 units or parcels which the applicant has bought, subdivided, and improved for sale as lots or dwellings.
  - (e) Attorneys: One year of experience for each year in which 6 real estate transactions were conducted as an attorney.
  - (f) Related occupations: One year of credit for each period equivalent to 40 hours per week, 48 weeks per year, in which the applicant has worked in a capacity directly related to the acquisition, financing, or conveyance of real estate, or positions in which the applicant has been directly involved in real estate business including serving as the decision-making authority in any of the following positions:
    - (i) A loan or trust officer of a federal or state-regulated depository institution.
    - (ii) A loan or trust officer of a mortgage company.
    - (iii) A real estate officer of a corporation, which is not a licensed real estate broker.
    - (iv) A title insurance company officer engaged in the closing of escrow accounts and real estate closings.
    - (v) A staff or real property appraiser.
- (2) Where state law requires a person to be licensed to perform an activity, credit shall not be granted for experience obtained without proper licensure.

**R 339.22207 Examinations.**

Rule 207. (1) A written examination is required of all applicants, except as noted in this subrule. Exceptions to the written examination requirements may be granted to any of the following:

- (a) An applicant who qualifies under the Americans With Disabilities Act, P.L.101-336, 42 U.S.C. §§ 12101 et seq., may request reasonable accommodations to take the exam.
  - (b) An applicant for a license who, within the last 3 years, has held a license as a salesperson, broker, or associate broker.
  - (c) An applicant for a broker or associate broker license who, after surrendering a broker or associate broker license, has been continuously licensed as a salesperson since the surrender.
- (2) A passing score on an examination, or on a portion of an examination, if the examination is given in separate parts, shall be valid for 1 year from the date of examination.

**R 339.22209 Conversion and transfer of license.**

Rule 209. (1) A broker or associate broker license shall not be converted into a salesperson license, and a salesperson license shall not be converted into a broker or associate broker license.



- (2) A salesperson shall be licensed to a broker and shall not be licensed to more than 1 broker at the same time. A salesperson shall not be licensed as a broker or associate broker while he or she holds a salesperson license.
- (3) To be licensed to another broker as a salesperson, a broker or associate broker shall surrender his or her broker or associate broker licenses and apply for a salesperson license. To return to being a broker or associate broker, the salesperson shall surrender his or her salesperson license and apply for the broker or associate broker license.
- (4) An individual broker license is not transferable to a corporation, partnership, association, common law trust, or a combination of such entities, and the broker license of a corporation, partnership, association, common law trust, or a combination of such entities is not transferable to an individual. A broker license is not transferable. The license of a principal associate broker is not transferable. The license of a non-principal associate broker or a salesperson is transferable in accordance with section 2508 (4) of the code, and R 339.22101 and R 339.22211.

**R 339.22211 Transfer of salespersons or non-principal associate brokers license; transfer of pocket card and wall license.**

- Rule 211. (1) An applicant for a salesperson or non-principal associate broker license who desires to transfer to a different employing broker before the issuance of the original license shall file a new application for licensure.
- (2) A salesperson or non-principal associate broker shall submit a signed statement to the department that he or she has obtained the dated signature and license number of his or her new broker on the reverse side of the pocket card.
- (3) Upon receipt of the completed application for transfer to a new broker, the proper fees, and the old license, the department shall consider the pocket card proper evidence of licensing for 45 days from the latest date written on the back of the card. If the applicant is notified that the application is incomplete, or the broker to whom he or she is transferring is not licensed, the pocket card shall no longer be valid and the applicant shall wait until the new broker receives the wall license and pocket card before engaging in regulated activities.
- (4) The ability to conduct regulated activities using the signed and dated pocket card may continue only if a salesperson transfer or new associate broker application is received within 45 days from the date on the pocket card.

**R 339.22213 License renewal; late renewal.**

- Rule 213. (1) An applicant for renewal of a license may continue to operate as previously licensed, using the expired wall license and pocket card as evidence of proper licensing, if the applicant has met both of the following conditions by the expiration date:
- (a) Submitted a complete application for renewal and the required fee.
  - (b) Completed the required continuing education.
- (2) An applicant for renewal whose application is received by the department after the expiration date shall not operate until the applicant's employing broker receives his or her new license and pocket card.
- (3) A person who fails to renew a license within 60 days of expiration shall apply for relicensure in accordance with sections 2504(5) and 411(4) of the code.
- (4) Completion of continuing education for relicensure shall not qualify as completion of the continuing education requirement for the next license renewal.

**R 339.22215 Application for new license after revocation of previous license.**

- Rule 215. A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the final order. To be considered for a license following a revocation, an applicant shall meet all

educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted.

### **PART 3. PRACTICE AND CONDUCT**

#### **R 339.22301 Assumed names.**

Rule 301. (1) A broker shall not conduct business or advertise under a name other than that in which the license is issued.

(2) An individual broker or a partnership desiring to operate under an assumed name shall send to the department, with the application for a broker license, a copy of the certificate of assumed name which is certified by the clerk of the county where the certificate is on file. A broker applicant who is a legal entity shall submit a certificate of assumed name with the application certified by the proper state authority.

#### **R 339.22305 Service provision agreement.**

Rule 305. (1) A broker or a licensee acting on behalf of the employing broker who enters into a service provision agreement with a party or parties shall provide, at the time of signing a true executed copy of the agreement to the party or parties signing the agreement. Every agreement shall be fully completed by the licensee before the party or parties sign it.

(2) A service provision agreement shall include a definite expiration date and shall not contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement upon or after the expiration date.

#### **R 339.22307 Delivery of offer to purchase to buyer; delivery of written offers to seller; delivery of copies of acceptance to buyer and seller; inclusion of terms and conditions in offer to purchase.**

Rule 307. (1) A licensee shall deliver to the buyer a signed copy of the offer to purchase immediately after it has been signed by the buyer.

(2) A licensee shall promptly deliver all written offers to purchase to the seller upon receipt. Acceptable methods of delivery include, but are not limited to, either of the following:

(a) Delivery in person or by mail.

(b) Delivery by electronic communication as defined in 2000 P.A. 305, MCL 450.831 et seq. The use of electronic records or digital signatures for any real estate transaction requires the prior agreement of the parties.

(3) Upon obtaining a proper acceptance of the offer to purchase, signed by the seller, the licensee shall promptly deliver true executed copies of the acceptance to the purchaser and seller.

(4) A licensee shall make certain that all terms and conditions of the real estate transaction are included in the offer to purchase.

(5) A licensee shall not be subject to disciplinary action for failing to submit to the seller any additional offers to purchase which are received after the seller has accepted an offer and the sales agreement is fully executed, unless a service provision agreement requires that subsequent offers be presented.

#### **R 339.22309 Licensee's recommendation to purchaser.**

Rule 309. A licensee who is involved at the time of execution of an offer to purchase in a real estate transaction shall recommend to the purchaser that a fee title policy in the amount of the purchase price be furnished to the purchaser by the seller, issued or certified to the approximate date of the closing of the real estate transaction.

#### **R 339.22310 Supervision.**

Rule 310. A broker or associate broker shall supervise the work of a licensee. Supervision shall include, at a minimum, all of the following:

- (a) Direct communication in person or by radio, telephone, or electronic communication on a regular basis.
- (b) Review of the practice of the supervised licensee.
- (c) Review of the supervised licensee's reports.
- (d) Analyses and guidance of the licensee's performance in regulated activities.
- (e) Provision of written operating policies and procedures.

**R 339.22311 Closing transactions.**

Rule 311. (1) The broker or associate broker who is involved at the closing of a real estate or business opportunity transaction, shall furnish, or cause to be furnished, to the buyer and seller, a complete and detailed closing statement signed by the broker or associate broker showing each party all receipts and disbursements affecting that party. If the closing is conducted at a regulated depository institution, a title company, or other closing entity, the broker or associate broker is still responsible for the content of the closing statement and shall sign the final closing document.

(2) A salesperson shall not close a real estate or business opportunity transaction unless under the supervision of the broker to whom the salesperson is licensed. The broker or associate broker shall assume full responsibility for execution of the closing statements prepared by the salesperson or other persons acting under the broker's or associate broker's direct supervision.

(3) Without written approval of the seller and buyer, a licensee shall not close a transaction contrary to terms or conditions of an executed agreement.

(4) In a cooperative transaction, either the broker or the associate broker may close the sale and furnish closing statements; however, it is the final responsibility of the listing broker or associate broker to close the sale and furnish signed closing statements to both the buyer and the seller.

**R 339.22313 Trust accounts.**

Rule 313. (1) Trust or escrow accounts shall be maintained in demand accounts only. Checks drawn on the trust or escrow accounts shall be signed by a broker or an associate broker. Cosignatories may be used; however, the signature of a broker or associate broker shall accompany this signature.

(2) A broker shall maintain a non-interest-bearing demand trust account when any earnest money deposits or money belonging to others comes into his or her possession. The account shall be maintained in accordance with the requirements of section 2512 (J) of the code.

(3) A broker may maintain more than 1 trust account. A broker may maintain the broker's own funds in an account that is not more than \$500.00 in each trust account to cover bank service charges and bank minimum balance requirements or to avoid the account being closed when there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as described in subrule (4) of this rule.

(4) A broker shall maintain a bookkeeping system in the office. At a minimum, the system shall consist of both of the following:

(a) A record which shows the chronological sequence in which funds are received and disbursed, as follows:

(i) For funds received, the record shall include all of the following information:

- (A) The date of receipt and date of deposit.
- (B) The name of the party who provided the funds to the broker.
- (C) The name of the seller.
- (D) The amount of the funds.

(ii) For funds disbursed, the record shall include all of the following information:

- (A) The date of the disbursement.
- (B) The payee.
- (C) The check number.
- (D) The purpose of the disbursement.
- (E) The amount of the disbursement.
- (iii) A current balance of the account or accounts shall be maintained and be available to the department upon request.
- (b) A record which shows receipts and disbursements as they affect a single, particular transaction between a buyer and seller. The record shall segregate 1 transaction from another transaction, as follows:
  - (i) For funds received, the record shall include all of the following information:
    - (A) The names of both parties to a transaction.
    - (B) The property address or brief legal description.
    - (C) The dates and amounts received.
  - (ii) For funds disbursed, the record shall include all of the following information:
    - (A) The date.
    - (B) The payee.
    - (C) The check number.
    - (D) The amount of the disbursement.
- (5) All trust or escrow account records shall be maintained for a period of not less than 3 years from the date of inception of the records.
- (6) Disbursement of an earnest money deposit shall be made at consummation or termination of the agreement in accordance with the agreement signed by the parties. However, any deposit in the trust account of the broker for which the buyer and seller have made claim shall remain in the broker's trust account until a civil action has determined to whom the deposit must be paid, or until the buyer and seller have agreed, in writing, to the disposition of the deposit. The broker may also commence a civil action to interplead the deposit with the proper court.

**R 339.22315 Licensee buying or acquiring interest in property; intent.**

- Rule 315. (1) When buying or acquiring, directly or indirectly, an interest in a property, a licensee shall disclose the fact of his or her licensure as a real estate broker, associate broker, or salesperson clearly, in writing, to the owner before the owner is asked to sign the purchase agreement.
- (2) When a licensee acquires, directly or indirectly, an option to purchase a particular property from an owner who requested the licensee's services as a real estate licensee, the licensee shall disclose the fact of his or her licensure as a real estate broker, associate broker, or salesperson, in writing, to the owner before the owner is asked to sign the option agreement.
- (3) A licensee shall not become a party to a net service provision agreement for an owner, seller, or buyer as a means of securing a real estate commission.
- (4) A licensee shall provide written proof of any required disclosures upon request of the department.

**R 339.22317 Licensee buying or acquiring interest in property; commission; consent by seller.**

Rule 317. A licensee who buys or acquires an interest in property, directly or indirectly, and who is due a commission, fee, or other valuable consideration as a result of the sale shall comply with all of the following provisions before compensation is received:

- (a) Disclose, in writing, to the seller or owner that the licensee will be compensated for the sale.
- (b) Obtain the written permission from the seller or owner to receive the specified consideration.

(c) Provide written proof of compliance upon request by the department.

**R 339.22321 Licensee commissions for other services; disclosure and consent of buyer and seller required.**

Rule 321. (1) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration for placing a loan in connection with that transaction unless the licensee obtains the prior written consent of the buyer and seller in that transaction and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 U.S.C. 2601 et seq., or other applicable law.

(2) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration from an abstract, home warranty, title insurance, or other settlement service provider in connection with that transaction unless the licensee obtains the prior written consent of the party or parties with whom the licensee has an agency relationship and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 U.S.C. 2601 et seq., or other applicable law.

**R 339.22323 Broker's place of business; location; branch office license; supervision and management of branch office.**

Rule 323. (1) A broker shall maintain a place of business in this state which is an actual and established physical location from which the broker can and does conduct the broker's business and where the broker's books and records are maintained.

(2) A license for a branch office is required for any location in addition to the principal business location which, by advertising or signs or otherwise, is held out to the public as a place where clients or customers may do business or consult with a licensee.

(3) An individual broker, associate broker, or an associate broker who manages a branch office shall be reasonably available to supervise and to manage the business during regular business hours, in accordance with section 2505 (3) of the code.

**R 339.22325 Contract with licensee abrogating broker's authority to supervise licensee prohibited.**

Rule 325. A broker shall not contract with an individual salesperson or non-principal associate broker who is licensed to the broker so as to lose the authority to supervise the licensee.

**R 339.22333 Misrepresentation of material facts prohibited; disclosure of material facts.**

Rule 333. (1) A licensee shall not, directly or indirectly, misrepresent material facts.

(2) A licensee's full disclosure to a buyer or seller of material facts within his or her knowledge about the condition of the real estate offered shall not be grounds for disciplinary action, despite a claim by the buyer or seller that the disclosure constituted disloyalty to the buyer or seller in violation of an agency relationship.

**R 339.22337 Failure of listing broker to cooperate with other brokers.**

Rule 337. Failure of the listing broker to cooperate with other brokers is not, in itself, a violation of law or these rules, unless the broker has indicated or implied to the buyer or seller that the broker would cooperate with other brokers.

**R 339.22339 Payments by brokers following termination of licensed relationship.**

Rule 339. If an individual earned commissions or other income while licensed to a broker, it shall not be grounds for disciplinary action as a violation of section 2512 of the code for the broker to pay such earned commissions or income to that individual, regardless of whether that individual is now licensed to another broker or is no longer licensed under the code.

#### **PART 4. ENFORCEMENT**

##### **R 339.22401 Production by licensee of documents or records.**

Rule 401. A licensee shall provide for inspection, by an authorized representative of the department, any document or record as may be reasonably necessary for investigation or audit in the enforcement of the code and these rules.

#### **PART 5. OUT-OF-STATE LAND SALES**

##### **R 339.22515 Filing requirements.**

Rule 515. (1) For purposes of approval under section 2511 of the code, the broker shall submit a copy of an order of registration, pursuant to section 4 or 5 of 1972 P.A. 286, MCL 565.804 or 565.805, of the property to be sold, unless the property is exempt from such registration by section 4 or 5 of that act.

(2) For those types of property or sales exempted from registration by section 4 or 5 of 1972 P.A. 286, MCL 565.804 or 565.805, the broker shall submit a copy of the filing currently effective with the office of interstate land sales registration pursuant to Public Law 90-448, 15 U.S.C. §§ 1701 to 1720. The submission shall include the order of registration and the property report.

(3) When a broker engages in sales or the promotion of sales of condominiums exempt by section 4 or 5 of 1972 P.A. 286, MCL 565.804 or 565.805, the department may accept a submission of the filing and order from the situs state under an act regulating condominiums as evidence that the broker has satisfied the requirements of R 339.22507.

(4) When the broker engages in the sale of timeshare or membership interests, and all sales are conducted in the situs state, the department may accept a submission of the filing and order from the situs state showing approval has been granted. The submission may be evidence that the broker has satisfied the requirements of R 339.22507.

(5) For out-of-state property offered through a Michigan broker in the state of Michigan, the application for approval shall contain all information as specified in R 339.22501 through R 339.22513.

(6) For purposes of approval under section 2511 of the code, an application and fee for approval from a Michigan licensed broker shall accompany all out-of-state property registrations, including those submissions that have been approved under 1972 P.A. 286, MCL 565.801 et seq.

##### **R 339.22519 Investigation expenses other than on-site inspection expenses; deposit of estimated expenses for on-site inspection.**

Rule 519. A broker shall pay the department a fee of \$500.00 to cover investigation expenses when submitting the application for department approval. The fee does not include the cost of an on-site inspection.

##### **R 339.22523 Approval to engage in sales of promotional nature; form; duration.**

Rule 523. (1) The approval of brokers to engage in sales of a promotional nature pursuant to section 2511 of the code shall be in the form of an order and shall be effective for 1 year from the date of issuance.

(2) A broker shall annually renew the order of approval to engage in sales of a promotional nature, pursuant to section 2511 of the code, and shall bear the costs incurred by the department in investigating the application.

**R 339.22525 Rescinded.**

**R 339.22527 Broker holding order of approval to engage in sales of promotional nature ; notice of changes.**

Rule 527. A broker who holds an order of approval to engage in sales of a promotional nature pursuant to section 2511 of the code shall notify the department immediately of any material change in the information required by R 339.22505 to R 339.22513.

**PART 6. REAL ESTATE EDUCATION  
SUBPART 1. GENERAL PROVISIONS**

**R 339.22601 Course approval; certificate.**

Rule 601. (1) A real estate school, sponsor, or educational institution shall apply for and obtain approval as determined by the department for real estate education courses before the courses are offered to the public.

(2) The department shall issue a certificate of course approval or a notice of denial to the school, sponsor, or educational institution within 60 days after the application is received. Denials shall be based on substantive deficiencies and specify the reasons for the denial. If the department does not respond within 60 days, the course shall be deemed approved.

(3) Courses shall be approved as determined by the department. The department will accept the courses for approval which have met the criteria established by the department for course content and number of clock hours and which are taught by instructors who have met the criteria in R 339.22101.

**R 339.22602 Advertising for approved real estate courses.**

Rule 602. All advertising for approved real estate courses that are held out to the public as fulfilling the requirements of section 2504 of the code shall be in the name of the approved school, sponsor, or institution.

**R 339.22604 Student records; content; inspection.**

Rule 604. (1) Each approved real estate school or institution and each real estate continuing education sponsor shall establish and maintain a record for each student for not less than 3 years from the inception of each record.

(2) Student records shall contain all of the following information:

(a) The student's name and address.

(b) The number of clock hours attended.

(c) The student's grade, if an examination is required to determine successful completion of the course.

(d) The date of course completion.

(3) All records shall be available for inspection during normal business hours by an authorized representative of the department, if the inspection does not violate a law.

**R 339.22605 Student contracts; return of fees.**

Rule 605. (1) If the real estate school, sponsor, or institution uses a student contract, the document shall be provided with the application for approval.

(2) The real estate school, sponsor, or institution shall state, on the application for approval, the policy regarding the return of fees if a student fails to appear, is dismissed, or withdraws voluntarily from a real estate prelicensure or continuing education course.

**R 339.22609 Instructors.**

Rule 609. (1) Each instructor shall be approved as determined by the department before teaching any real estate course. Instructors who meet the criteria in R 339.22101 (m) (i), (ii), or (iii) shall be deemed approved by the department.

(2) Instructors shall be responsible for all of the following:

- (a) Compliance with all laws and rules relating to real estate education.
- (b) Providing students with current and accurate information.
- (c) Maintaining an environment conducive to learning.
- (d) Assuring and certifying attendance of students enrolled in courses.
- (e) Providing assistance to students and responding to questions relating to course materials.
- (f) Attending such workshops or instructional programs as required by the department.

(3) The real estate school, institution, or sponsor shall submit to the department the qualifications of each instructor to be used in an approved course not fewer than 60 days before the instructor is scheduled to begin instruction.

**R 339.22613 Student attendance and makeup policy.**

Rule 613. (1) A student shall attend 100% of a course to obtain credit for the course.

(2) Credit for a distance learning course requires completion of the entire course.

(3) A real estate school, sponsor, or institution shall have a makeup policy for students who are absent from, or late arriving at, regularly scheduled class sessions.

**SUBPART 2. PRELICENSURE COURSES**

**R 339.22631 Application for approval to offer pre-licensure courses; forms ; required information.**

Rule 631. (1) A school, sponsor, or institution shall submit an application for approval as determined by the department for prelicensure courses. The application shall include all of the following information:

- (a) The names and evidence of approval, as determined by the department, of the qualifications of instructors and the prelicensure courses they are teaching.
- (b) A detailed content outline for each prelicensure course to be taught, which shall include the number of hours allocated to each topic.
- (c) The standards a student must meet to successfully complete the course, including a statement as to the grading system, attendance, and class makeup policy for prelicensure courses.
- (d) A copy of the advertising materials used to promote the prelicensure courses.
- (e) The tentative schedule and geographic location of prelicensure course meetings or classes.
- (f) A copy of any contract for prelicensure courses that the school has with its students.
- (g) The methodology for verifying and monitoring attendance and successful course completion.

(2) A change in the information required to be provided on the application forms shall be reported to the department within 30 days of the change. The department shall accept or reject a change within 60 days of notification of the change.

(3) A real estate school or institution shall also demonstrate that it is an entity which may offer prelicensure courses in accordance with section 2504 (8) of the code.



**R 339.22633 Rescinded.**

**R 339.22635 Rescinded.**

**R 339.22637 Rescinded.**

### **SUBPART 3. CONTINUING EDUCATION COURSES**

#### **R 339.22651 Criteria for approval of continuing education courses.**

Rule 651. Courses related to the activities of a real estate broker, associate broker, or salesperson that are offered to licensees shall meet all of the following criteria for department approval and be approved as determined by the department:

- (a) A clear statement of the rationale, purpose, and goals shall be prepared for each course before beginning instruction.
- (b) Approved instructors shall conduct each course.
- (c) A syllabus shall be submitted to the department, which shall include all of the following, as they are pertinent to the activities of licensees generally and, if desired, with additional reference to a specialized area of expertise:
  - (i) Changes in economic conditions.
  - (ii) Changes in laws, court opinions, and rules.
  - (iii) Interpretations relating to and affecting real property.
  - (iv) Any topics relevant to the management, operation, or practice of real estate.
- (d) A course administration description shall be provided, which shall include a system for verifying satisfactory completion of the course by each licensee, for providing to the department a verified list of those licensees awarded credit, and for providing participating licensees with certificates which indicate satisfactory completion of the course and which specify the department's assigned course number.
- (e) The sponsor shall submit to the department all course changes which affect the accuracy of the application for approval or accompanying documentation, including the detailed content outline.

#### **R 339.22654 Distance education; criteria for approval.**

Rule 654. (1) Real estate education courses represented as fulfilling the requirements of section 2504 of the code and delivered through distance learning shall be approved as determined by the department before being offered to the public.

(2) A distance learning course shall contain all of the following:

- (a) All requirements listed in R 339.22653 (1).
- (b) The individual modules of instruction on a computer or other interactive program.
- (c) A list of at least 1 learning objective for each module of instruction. The learning objective shall ensure that, if all of the objectives are met, the entire content of the course is understood.
- (d) A structured learning method to enable the student to attain each learning objective.
- (e) A method of assessment of the student's performance during each module of instruction.
- (f) A method of remediation for any student who is deficient in the method of assessment to repeat the module until the student understands the content material.

(3) Delivery systems which have met the distance education criteria for current certification by the association of real estate license law officials (ARELLO), shall be acceptable to the department, as follows:

- (a) Proof of ARELLO certification, including the summary sheet and certificate, shall be provided with the application for course approval.
- (b) Upon notification from ARELLO that certification has been withdrawn or not renewed, the approved sponsor shall forward the notification to the department. Approval to offer distance learning courses shall be suspended until ARELLO certification is reinstated or the sponsor has applied for and received approval from the department according to subrule (3) of this rule.
- (4) Equivalent delivery systems may be utilized if they are approved as determined by the department.
- (5) The real estate school, institute, or sponsor shall describe in detail on its application how it will deal with hardware and software failures.

**R 339.22655 Time periods; course credit.**

Rule 655. To receive approval, a course shall be designed to be taught for not less than 2 clock hours, not including time spent on breaks, meals, computer tutorials, or other unrelated activities.

**R 339.22659 Attendance.**

Rule 659. A licensee shall complete a total of 6 clock hours for each annual renewal period. Credit for completion of a course shall only be granted once in each annual renewal period.

**R 339.22661 Rescinded.**

**R 339.22663 Reporting requirements for course completion.**

Rule 663. Licensees and course sponsors shall certify the completion of an approved course in a method prescribed by the department. Within 5 calendar days, course sponsors shall submit the names of students who have successfully completed the course to the department.

**R 339.22664 Student certificate of completion.**

Rule 664. (1) A real estate school, sponsor, or institution shall issue a certificate of completion to a student who successfully completes an approved real estate course. The certificate shall include all of the following information:

- (a) The date of course completion.
  - (b) The name of the course attended. If the course is approved for continuing education, the topic approval numbers, if assigned.
  - (c) The name and approval number of the school, sponsor, or institution.
  - (d) The name of the student.
  - (e) The number of clock hours completed by the student.
  - (f) The signature of the course coordinator.
- (2) Each student or licensee shall provide a state-issued photo identification or alternative form of identification to the school, sponsor, or institution before receiving the certificate of completion.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2000-091**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**CERTIFICATION OF FIRMS FOR FIRE ALARM SYSTEMS AND FIRE SUPPRESSION  
SYSTEMS IN STATE-REGULATED FACILITIES ~~FIRE ALARM AND FIRE SUPPRESSION~~  
CERTIFICATION**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

By authority conferred on the state fire safety board by sections 3c, 26, 27, 28, 29, 30, 32, and 33 of 1941 PA 207, and Executive Reorganization Order No. 1997-2, MCL 29.3c, 29.26, 29.27, 29.28, 29.29, 29.30, 29.32, 29.33, and 29.451)

R 29.2801, R 29.2802, R 29.2803, R 29.2804, R 29.2805, R 29.2806, R 29.2807, R 29.2808, R 29.2809, R 29.2810, R 29.2811, R 29.2812, R 29.2813, and R 29.2814 of the Michigan Administrative Code are amended and R 29.2802a, R 29.2807a, and R 29.2811a are added to the Code, as follows:

**R 29.2801 Definitions.**

Rule 1. As used in these rules:

- (a) "Act" means ~~Act No. 207 of the Public Acts of 1941~~ 1941 PA 207, ~~as amended, being §~~ MCL 29.1 et seq. ~~of the Michigan Compiled Laws.~~
- (b) "Approved" means acceptable to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.
- (C) "AS-BUILT DRAWINGS" MEANS DRAWINGS PORTRAYING THE ACTUAL CONSTRUCTION OR INSTALLATION OF A SYSTEM WITHIN A BUILDING OR PORTION THEREOF, DEPICTING ANY AND ALL CHANGES FROM THE ORIGINAL DESIGN OF THE SYSTEM. "AS-BUILT DRAWINGS" MAY ALSO BE REFERENCED AS "RECORD DRAWINGS."
- ~~(e)~~ (D) "Custom designed fire alarm system or fire suppression system" means a system that is comprised of standard components which are individually listed by an approved laboratory and which are selected and installed in accordance with the listing.
- (E) "DESIGN LOCATION" MEANS THE PLACE WHERE SYSTEM LAYOUT AND APPLICATION ENGINEERING IS PERFORMED FOR A REQUIRED SYSTEM.
- ~~(d)~~ (F) "Documentation" means a written instrument signed by a qualifying person of a certified firm which does all of the following:
  - (i) Identifies a specific installation or a specific modification of a required fire alarm system or a required fire suppression system.
  - (ii) Contains statements to the effect that the required fire alarm system or required fire suppression system has been installed or modified pursuant to the instructions and specifications of the manufacturer.

(iii) Identifies applicable state laws and contains a statement that the required fire alarm system or required fire suppression system has been installed or modified in compliance with those laws.

(iv) Contains a statement that the required fire alarm system or required fire suppression system has been tested and placed in proper operating condition ~~by an employee of~~ UNDER THE SUPERVISION OF A QUALIFYING PERSON EMPLOYED BY the certified firm.

(G) “PLANS AND SPECIFICATIONS” MEANS THE DETAILED INSTALLATION DRAWINGS, CALCULATIONS, AND MANUFACTURER SUBMITTALS OF EQUIPMENT FOR A FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM BEING INSTALLED IN A REGULATED FACILITY BY A CERTIFIED FIRM. THE INSTALLATION DRAWINGS, CALCULATIONS, AND MANUFACTURER SUBMITTALS OF EQUIPMENT ARE ALSO KNOWN AS SHOP DRAWINGS OR SHOP SHEETS.

~~(e)~~ (H) “Pre-engineered or packaged system” means a system consisting of components designed to be installed according to pretested limitations as listed by an approved laboratory.

~~(f)~~ (I) “Qualifying person” means a person who possesses technical qualifications and agrees to provide services to a firm for the purpose of qualifying the firm for certification under these rules.

(J) “RESPONSIBLE PERSON” MEANS A PERSON WHO POSSESSES CERTAIN TECHNICAL QUALIFICATIONS AND IS EMPLOYED BY THE CERTIFIED FIRM TO PERFORM ON-SITE WORK ON THE SYSTEM BEING DOCUMENTED. A QUALIFYING PERSON MAY ALSO SERVE AS THE RESPONSIBLE PERSON.

(K) “SUPERVISION” MEANS THE ACT OF OVERSIGHT AND MONITORING OF THE WORK DONE BY A CERTIFIED FIRM FOR A FIRE ALARM SYSTEM OR A FIRE SUPPRESSION SYSTEM.

~~(g)~~ (L) “Systems modification” means any changes to a required fire alarm system or required fire suppression system involving more than the direct replacement of the existing components with components approved for the use and coverage.

~~(h)~~ (M) “Technical qualification” means the knowledge of applicable codes, standards, and laws and the practical knowledge of equipment, material, methods, and theory of operation as they relate to fire alarm systems or fire suppression systems, the combination of which, when applied to a facility under the jurisdiction of the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, shall result in a properly operating required fire alarm system or required fire suppression system which is acceptable to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.

**R 29.2802 System testing, servicing, inspection, or maintenance by certified firm required. exceptions.**

Rule 2. ~~The following testing, servicing, inspection, or maintenance of a required fire alarm system and a required fire suppression system is required to be performed by a certified firm:~~

~~(a) Any testing, servicing, inspection, or maintenance function required by a fire safety rule promulgated pursuant to the act, except for those functions which are specifically identified by a fire safety rule promulgated pursuant to the act as functions which may be performed by personnel without special knowledge or skills.~~

~~(b) Any testing, servicing, inspection, or maintenance function which is intended to be performed by persons with special training, knowledge, and equipment and which is so indicated in the manufacturer’s instructions or in a nationally recognized code, except for those functions which are specifically identified by a fire safety rule promulgated pursuant to the act or a manufacturer’s instructions as functions which may be performed by personnel without special knowledge or skills.~~

(1) TESTING, SERVICING, INSPECTION, OR MAINTENANCE FUNCTIONS WHICH ARE INTENDED TO BE PERFORMED BY PERSONS WHO HAVE SPECIAL TRAINING, KNOWLEDGE, AND EQUIPMENT AND WHICH IS SO INDICATED IN THE MANUFACTURER'S INSTRUCTIONS OR IN A NATIONALLY RECOGNIZED CODE ARE REQUIRED TO BE PERFORMED BY A CERTIFIED FIRM. AT A MINIMUM OF ONCE A YEAR, SYSTEM TESTS OF REQUIRED FIRE ALARM SYSTEMS AND FIRE SUPPRESSION SYSTEMS SHALL BE CONDUCTED IN COMPLIANCE WITH THE STANDARDS ADOPTED BY REFERENCE IN R 29.2809 BY A CERTIFIED FIRM.

(2) SUBJECT TO APPROVAL BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, LIMITED TESTING, INSPECTION, AND ADJUSTMENTS TO A REQUIRED FIRE ALARM OR FIRE SUPPRESSION SYSTEM SHALL BE PERMITTED TO BE PERFORMED BY A TRAINED STAFF MEMBER WHO IS EMPLOYED BY THE REGULATED FACILITY, AND WHO HAS ADEQUATE KNOWLEDGE OF THE INSTALLATION, CONSTRUCTION, AND OPERATION OF THE APPARATUS, AND THE HAZARDS INVOLVED.

**R 29.2802A OUT OF SERVICE NOTIFICATION.**

RULE 2A. A CERTIFIED FIRM SHALL PROVIDE IMMEDIATE NOTIFICATION AND RECOMMENDATION TO THE OWNER OR OPERATOR OF A REQUIRED FIRE ALARM OR FIRE SUPPRESSION SYSTEM IF THE REQUIRED SYSTEM IS NOT COMPLETELY OPERATIONAL OR IF THE REQUIRED SYSTEM WILL BE OUT OF SERVICE. NOTIFICATION SHALL INCLUDE THE EXPECTED DURATION OF THE OUT OF SERVICE CONDITION.

**R 29.2803 Firm certification. requirement.**

Rule 3. A firm shall not be certified under these rules unless the firm employs a qualifying person to actively supervise the technical aspects of the installation, modification, testing, servicing, inspection, maintenance, and documentation of required fire alarm systems and required fire suppression systems performed by the firm. EACH DESIGN LOCATION OF A FIRM PERFORMING THE OPERATIONS SPECIFIED IN THIS RULE SHALL BE CERTIFIED AND WILL BE CONSIDERED A SEPARATE CERTIFIED FIRM FOR THE PURPOSE OF THESE RULES.

**R 29.2804 Qualifying person; qualifications generally.**

Rule 4. The qualifying person ~~required~~ SPECIFIED in R 29.2803 shall possess technical qualifications in each category for which the firm is to be certified. A QUALIFYING PERSON MAY ONLY PERFORM THE DUTIES OF A QUALIFYING PERSON FOR 1 CERTIFIED FIRM.

**R 29.2805 Qualifying person; education and experience requirements.**

Rule 5. (1) A person who meets ~~4 or more~~ EITHER OR BOTH of the following combinations of education and experience may be considered to meet the requirements of R 29.2804:

(a) Is an architect or engineer licensed under ~~the provisions of Act No. 299 of the Public Acts of 1980~~ 1980 PA 299, ~~as amended, being § MCL 339.101 et seq. of the Michigan Compiled Laws, with~~ AND HAS 12 months of approved experience in the category for which certification is requested.

(b) Has a baccalaureate degree in an approved field of engineering, ~~with 12 months of approved experience in the category for which certification is requested.~~

(c) Is a graduate of an approved 4 year apprentice training program, ~~with 12 months of approved experience in the category for which certification is requested.~~

~~(d) Is a graduate of an approved training course provided by an equipment manufacturer, with 12 months of approved experience in the category for which certification is requested.~~

~~(e) Is the holder of a class I or class II electrician's license, with 12 months of approved experience installing or servicing fire alarm systems in the category for which certification is requested.~~

~~(f) Has 60 months of approved experience, 75% of which was accrued in the 5-year period before certification is requested.~~

~~(g) Is certified by an approved engineering technician program.~~

(B) IS CERTIFIED AND MAINTAINS CERTIFICATION AT LEVEL 3 OR ABOVE BY THE NATIONAL INSTITUTE OF CERTIFICATION IN ENGINEERING TECHNOLOGIES (NICET), IN THE CATEGORY FOR WHICH CERTIFICATION IS REQUESTED.

(2) Other combinations of education and experience will be evaluated on an individual basis.

(3) All experience QUALIFICATIONS requirements, ~~except those specified in subrule (1)(f) of this rule,~~ shall have been accumulated within the 5-year period before certification is requested.

(4) WITHIN 6 YEARS OF THE EFFECTIVE DATE OF THESE RULES, ALL QUALIFYING PERSONS SHALL BE IN COMPLIANCE WITH THE EDUCATION AND EXPERIENCE REQUIREMENTS SPECIFIED IN THIS RULE.

(5) IF A PERSON IS DENIED ACCEPTANCE AS A QUALIFIED PERSON, AN APPEAL MAY BE SUBMITTED TO THE STATE FIRE SAFETY BOARD WITHIN 60 DAYS OF THE ISSUANCE OF THE DENIAL.

#### **R 29.2806 Notarized affidavit required; content.**

Rule 6. A notarized affidavit signed by ~~the~~ A qualifying persons for the firm and the chief operating officer of the firm or a designated representative of the chief operating officer of the firm shall be submitted to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, on a form provided by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY. The affidavit shall contain all of the following:

(a) The name and address of THE employing firm.

(b) The nameS and addressES of ~~the~~ ALL qualifying personS.

(c) A statement to the effect that the firm and ~~the~~ ALL qualifying personS shall comply with the provisions of the act.

#### **R 29.2807 Notice of termination of employment of qualifying person required; filing of new notarized affidavit required.**

Rule 7. (1) A certified firm shall ~~notify~~ PROVIDE WRITTEN NOTIFICATION TO the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, within 15 business days, ~~of~~ UPON the termination of employment of ~~the~~ ANY QUALIFYING PERSON OF THE FIRM ~~firm's qualifying person~~.

(2) If the employment of ~~the~~ A firm's SOLE qualifying person is terminated, THEN a new notarized affidavit NOMINATING A NEW QUALIFYING PERSON shall be filed with the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, WITHIN 60 DAYS, pursuant to R 29.2806 or the firm's certification IS ~~shall be~~ invalid.

#### **R 29.2807A RESPONSIBLE PERSON; EDUCATION AND EXPERIENCE REQUIREMENTS.**

RULE 7A. A PERSON WHO MEETS ALL OF THE FOLLOWING CONDITIONS MAY BE CONSIDERED TO MEET THE REQUIREMENTS OF R 29.2810 AS A RESPONSIBLE PERSON:

- (A) IS EMPLOYED BY THE CERTIFIED FIRM.
- (B) HAS TECHNICAL KNOWLEDGE OF THE FIRE ALARM OR FIRE SUPPRESSION SYSTEM TO BE INSTALLED, MODIFIED, TESTED, SERVICED, INSPECTED, OR MAINTAINED.
- (C) HAS BEEN INVOLVED WITH THE ON-SITE WORK OF THE FIRE ALARM OR FIRE SUPPRESSION SYSTEM.
- (D) HAS CONDUCTED REQUIRED ACCEPTANCE TESTING OF THE FIRE ALARM OR FIRE SUPPRESSION SYSTEM.
- (E) MEETS ANY OF THE FOLLOWING COMBINATIONS OF EDUCATION AND EXPERIENCE:
  - (I) IS CERTIFIED AT LEVEL 2 OR ABOVE BY NICET, NATIONAL INSTITUTE OF CERTIFICATION IN ENGINEERING TECHNOLOGIES, IN THE APPROPRIATE CATEGORY FOR THE FIRE ALARM OR FIRE SUPPRESSION SYSTEM BEING DOCUMENTED.
  - (II) IS A GRADUATE OF AN APPROVED 4-YEAR APPRENTICE TRAINING PROGRAM FOR THE FIRE ALARM OR FIRE SUPPRESSION SYSTEM BEING DOCUMENTED.
  - (III) IS A LICENSED JOURNEY ELECTRICIAN OR A LICENSED FIRE ALARM TECHNICIAN IF THE SYSTEM BEING DOCUMENTED IS A FIRE ALARM SYSTEM.

**R 29.2808 Application for certification; categories of certification.**

Rule 8. (1) A firm wishing to be certified under section 26 ~~or 27~~ of the act shall submit an application to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, on forms provided by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.

(2) A firm wishing to be certified may only be certified in the category or categories and for the type of work for which the firm demonstrates qualification. Categories of certification are as follows:

- (a) Fire alarm systems.
- (b) Fire alarm VOICE communication systems.
- (c) Custom-designed carbon dioxide systems.
- (d) Pre-engineered carbon dioxide systems.
- (e) Custom-designed WET OR dry chemical systems.
- (f) Pre-engineered WET OR dry chemical systems.
- (g) Custom-designed ~~halon~~ CLEAN AGENT SUPPRESSION systems.
- (h) Pre-engineered ~~halon~~ CLEAN AGENT SUPPRESSION systems.
- (i) Custom-designed foam systems.
- (j) Pre-engineered foam systems.
- (k) Custom-designed, water-BASED sprinkler systems, including underground water supply.
- (l) Custom designed water spray OR WATER MIST systems.
- (m) Water reservoir (aboveground).
- (n) Water reservoir (underground).
- (o) Custom designed pressure tank water supply.
- (p) Engineered pump pressure supply.
- (q) Engineered explosion suppression systems.
- (R) CATEGORIES FOR NEW TECHNOLOGIES.

(3) If the categories of certification in subrule (2) of this rule do not adequately describe a required system or portion of a system for which certification is required, THEN the firm shall provide sufficient information so that a category can be determined.



(4) An application shall be made under oath and accompanied by the statutory fee, \$50.00 of which is not refundable IF IT IS DETERMINED THAT THE QUALIFYING PERSON DOES NOT MEET THE REQUIREMENTS OF R 29.2804. Each question shall be answered in its entirety. The application shall request, at a minimum, all of the following INFORMATION:

(a) The official name and mailing address of the firm.

(b) The location of the firm if other than the mailing address.

~~(c) The history and background of the firm.~~

~~(d)~~ (C) The name or names of the chief operating officer or officers of the firm.

~~(e)~~ (D) The name or names of the qualifying person or persons, listed by category of certification as set forth in subrule (2) of this rule, to whom the firm desires to delegate authority to document the installation or modification of required fire alarm systems or required fire suppression systems pursuant to the firm's certification.

~~(f)~~ (E) A notarized technical qualifications resume signed by the qualifying person for the qualifying person or persons who will provide the technical qualifications for the firm. The resume shall be accompanied by written evidence from employers and schools attesting to the technical qualifications stated in the resume. IF THE QUALIFYING PERSON HOLDS CERTIFICATION AT LEVEL 3 OR ABOVE FROM NICET, NATIONAL INSTITUTE OF CERTIFICATION IN ENGINEERING TECHNOLOGIES, THEN A TECHNICAL RESUME IS NOT REQUIRED.

~~(g) A copy of the firm's employee training policy and a description of the training programs.~~

~~(h) A specific list of completed fire alarm systems or fire suppression systems installed or serviced by the firm. The list shall be submitted as evidence of qualification in the category or categories for which certification is requested. The fire alarm system or fire suppression system shall be available for inspection by the state fire marshal.~~

~~(i) Samples of typical operating and maintenance instructions provided by the firm to the owner or operator of a fire alarm system or fire suppression system.~~

~~(j) Samples of fire alarm system or fire suppression system inspection forms and procedures used by the firm.~~

~~(k) A list of the testing, maintenance, service, or inspection services available listed by category of certification as set forth in subrule (2) of this rule for which certification is requested.~~

~~(l) The firm's geographic area of coverage.~~

~~(m)~~ (F) A statement from the chief operating officer of the firm stating that the firm is capable of providing service to required fire alarm systems or required fire suppression systems within 24 hours ON A 24-HOUR, 7-DAY-A-WEEK BASIS.

~~(n)~~ (G) A statement from the chief operating officer of the firm stating that replacement parts are available for required fire alarm systems or required fire suppression systems.

~~(o) Not less than 3 references recommending that the firm be certified by the state fire marshal. These references shall be from sources with knowledge of the technical capability in the type of fire alarm system or fire suppression system for which certification is requested and can speak for the firm's qualifications.~~

(5) A FIRM SHALL BE APPROVED AND CERTIFIED BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, BEFORE PERFORMING WORK SPECIFIED IN THE ACT. IF A FIRM IS DENIED CERTIFICATION, THEN THE FIRM MAY REQUEST AN APPEAL TO THE STATE FIRE SAFETY BOARD WITHIN 60 DAYS OF THE CERTIFICATION DENIAL.

(6) IF A FIRM IS DENIED CERTIFICATION AND WISHES TO APPEAL THAT DENIAL, THEN THE FIRM SHALL PROVIDE ALL OF THE FOLLOWING INFORMATION TO THE STATE FIRE SAFETY BOARD WITH A LETTER REQUESTING AN APPEAL:

- (A) THE HISTORY AND BACKGROUND OF THE FIRM.
- (B) A COPY OF THE FIRM'S EMPLOYEE TRAINING POLICY AND A DESCRIPTION OF THE TRAINING PROGRAMS.
- (C) A SPECIFIC LIST OF COMPLETED FIRE ALARM SYSTEMS OR FIRE SUPPRESSION SYSTEMS INSTALLED OR SERVICED BY THE FIRM. THE LIST SHALL BE SUBMITTED AS EVIDENCE OF QUALIFICATION IN THE CATEGORY OR CATEGORIES FOR WHICH CERTIFICATION IS REQUESTED. THE FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM SHALL BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.
- (D) SAMPLES OF TYPICAL OPERATING AND MAINTENANCE INSTRUCTIONS PROVIDED BY THE FIRM TO THE OWNER OR OPERATOR OF A FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM.
- (E) SAMPLES OF FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM INSPECTION FORMS AND PROCEDURES USED BY THE FIRM AND SAMPLES OF SHOP DRAWINGS PREPARED BY THE FIRM FOR INSTALLED OR MODIFIED SYSTEMS.
- (F) A LIST OF THE TESTING, MAINTENANCE, SERVICE, OR INSPECTION SERVICES AVAILABLE LISTED BY CATEGORY OF CERTIFICATION AS SET FORTH IN SUBRULE (2) OF THIS RULE FOR WHICH CERTIFICATION IS REQUESTED.
- (G) THE FIRM'S GEOGRAPHIC AREA OF COVERAGE.
- (H) NOT LESS THAN 3 REFERENCES RECOMMENDING THAT THE FIRM BE CERTIFIED BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY. THE REFERENCES SHALL BE FROM SOURCES THAT HAVE KNOWLEDGE OF THE TECHNICAL CAPABILITY IN THE TYPE OF FIRE ALARM SYSTEM OR FIRE SUPPRESSION SYSTEM FOR WHICH CERTIFICATION IS REQUESTED AND CAN SPEAK FOR THE FIRM'S QUALIFICATIONS.
- (7) THE BOARD MAY REQUEST ADDITIONAL INFORMATION BEFORE RENDERING A DECISION.

**R 29.2809 Plans and specifications.**

Rule 9. (1) Before installation or modification of a required fire alarm system or required fire suppression system, detailed plans and specifications of the proposed required fire alarm system or required fire suppression system or modification of the system shall be submitted to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, by a certified firm or licensed architect or engineer for approval. VIOLATION OF THIS RULE MAY RESULT IN AN IMMEDIATE STOP WORK ORDER, WHICH WILL REMAIN IN EFFECT UNTIL PLANS ARE SUBMITTED TO THE OFFICE OF FIRE SAFETY AND RECEIVE APPROVAL FROM THE OFFICE OF FIRE SAFETY BEFORE WORK MAY RESUME ON THE PROJECT.

(2) The plans required by subrule (1) of this rule shall be sufficiently detailed and drawn with symbols of a standard form AT A MINIMUM OF 1/8 INCH EQUALS 1 FOOT SCALE so that compliance with applicable fire safety rules can be determined.

(3) The specifications required by subrule (1) of this rule shall be sufficiently detailed so that correct application of equipment and materials and compliance with applicable fire safety rules can be determined.

(4) Notwithstanding subrules (2) and (3) of this rule, the plans and specifications submitted for review and approval shall contain all of the following detailed and specific information:

- (a) The complete identification of the owner or occupant of the facility.

- (b) The intended use of the facility.
- (c) The location of the facility.
- (d) The title of the facility.
- (e) The electrical inspection authority having jurisdiction if the proposed installation includes any electrical equipment or wiring.
- (f) The point of the compass.
- (g) The identification of the specific materials and methods of proposed installation or modification to be used.
- (h) The specific laws, codes, and standards which apply to the required fire alarm system or required fire suppression system.
- (5) In addition to the information required in subrule (4) of this rule, plans and specifications ~~for the following systems~~ shall include the information required in the associated sections of national fire protection association pamphlets CODES AND STANDARDS, which are ~~incorporated by reference~~ and adopted BY REFERENCE as part of these rules, as follows:
  - (a) ~~Sprinkler systems—The provisions of section 1—9 of pamphlet no. 13, 1980, installation of sprinkler systems. Cost at the time of adoption is \$6.00.~~ NFPA 11, 1998 EDITION, ENTITLED “LOW-EXPANSION FOAM.” COST: \$28.00
  - (b) ~~Halon 1301 systems—The provisions of section 1 7 of pamphlet no. 12A, 1980, halon 1301 fire extinguishing systems. Cost at the time of adoption is \$4.00.~~ NFPA 11A, 1999 EDITION, ENTITLED “MEDIUM- AND HIGH-EXPANSION FOAM SYSTEMS.” COST: \$25.25.
  - (c) ~~Halon 1211 systems—The provisions of section 1 7 of pamphlet no. 12B, 1980, halon 1211 fire extinguishing systems. Cost at the time of adoption is \$4.00.~~ NFPA 12, 2000 EDITION, ENTITLED “CARBON DIOXIDE EXTINGUISHING SYSTEMS.” COST: \$25.25.
  - (D) NFPA 12A, 1997 EDITION, ENTITLED “HALON 1301 FIRE EXTINGUISHING SYSTEMS.” COST: \$28.00.
  - (E) NFPA 13, 1999 EDITION, ENTITLED “INSTALLATION OF SPRINKLER SYSTEMS.” COST: \$40.25.
  - (F) NFPA 13D, 1999 EDITION, ENTITLED “INSTALLATION OF SPRINKLER SYSTEMS IN ONE- AND TWO-FAMILY DWELLINGS AND MANUFACTURED HOMES.” COST: \$25.25.
  - (G) NFPA 13R, 1999 EDITION, ENTITLED “INSTALLATION OF SPRINKLER SYSTEMS IN RESIDENTIAL OCCUPANCIES UP TO AND INCLUDING FOUR STORIES IN HEIGHT.” COST: \$25.25.
  - (H) NFPA 14, 2000 EDITION, ENTITLED “INSTALLATION OF STANDPIPE, PRIVATE HYDRANT AND HOSE SYSTEMS.” COST: \$25.25.
  - (I) NFPA 15, 2001 EDITION, ENTITLED “WATER SPRAY FIXED SYSTEMS FOR FIRE PROTECTION.” COST: \$28.00.
  - (J) NFPA 16, 1999 EDITION, ENTITLED “INSTALLATION OF FOAM-WATER SPRINKLER AND FOAM-WATER SPRAY SYSTEMS.” COST: \$25.25.
  - (K) NFPA 17, 1998 EDITION, ENTITLED “DRY CHEMICAL EXTINGUISHING SYSTEMS.” COST: \$25.25.
  - (L) NFPA 17A, 1998 EDITION, ENTITLED “WET CHEMICAL EXTINGUISHING SYSTEMS.” COST: \$21.00.
  - (M) NFPA 20, 1999 EDITION, ENTITLED “INSTALLATION OF STATIONARY PUMPS FOR FIRE PROTECTION.” COST: \$28.00.
  - (N) NFPA 22, 1998 EDITION, ENTITLED “WATER TANKS FOR PRIVATE FIRE PROTECTION.” COST: \$28.00.

(O) NFPA 24, 1995 EDITION, ENTITLED “INSTALLATION OF PRIVATE FIRE SERVICE MAINS AND THEIR APPURTENANCES.” COST: \$25.25.

(P) NFPA 25, 1998 EDITION, ENTITLED “INSPECTION, TESTING, AND MAINTENANCE OF WATER-BASED FIRE PROTECTION SYSTEMS.” COST: \$33.25.

(Q) NFPA 72, 1999 EDITION, ENTITLED “NATIONAL FIRE ALARM CODE.” COST: \$40.25.

(R) NFPA 96, 2001 EDITION, ENTITLED “VENTILATION CONTROL AND FIRE PROTECTION OF COMMERCIAL COOKING OPERATIONS.” COST: \$25.25.

(S) NFPA 170, 1999 EDITION, ENTITLED “FIRE SAFETY SYMBOLS.” COST: \$25.25.

(T) NFPA 2001, 2000 EDITION, ENTITLED “CLEAN AGENT FIRE EXTINGUISHING SYSTEMS.” COST: \$33.25.

~~(d)-(6)~~ Copies of the adopted ~~pamphlets~~ CODES AND STANDARDS are available for inspection and distribution ~~either~~ AT COST at the office of the State Fire Safety Board, OFFICE OF FIRE SAFETY, DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, 7150 Harris Drive, Lansing, Michigan 48913 48909 ~~at cost~~. COPIES OF THE ADOPTED STANDARDS MAY BE PURCHASED ~~or~~ from the National Fire Protection Association, 1 Batterymarch Park, P.O. BOX 9101, Quincy, Massachusetts 02269, TELEPHONE NUMBER 1-800-344-3555, INTERNET ADDRESS WWW.NFPA.ORG.

#### **R 29.2810 Documentation.**

Rule 10. (1) Before the installation or modification of a required fire alarm system or required fire suppression system can be documented, all of the following shall be performed ~~by a representative~~ UNDER THE SUPERVISION OF A QUALIFYING PERSON of a firm certified by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, in the category of the system involved:

(a) A visual inspection of the entire required fire alarm system or required fire suppression system, including concealed areas. This may require periodic inspections as the installation or modification of the required fire alarm system or required fire suppression system progresses.

(b) All tests required by fire safety rules promulgated pursuant to the act and required by the manufacturer of the required fire alarm system or required fire suppression system.

(c) Testing and adjustment to specifications, as recommended by the manufacturer or recognized industry standard, of all functional parts of the required fire alarm system or required fire suppression system.

(d) Correction and rechecking of all items that do not comply with applicable fire safety rules.

(e) Verification that the required fire alarm system or required fire suppression system is completely operational and ready to perform required functions.

(2) Each new required fire alarm system or required fire suppression system or each modification of a required fire alarm system or required fire suppression system shall be documented to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, on forms provided by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, by a firm certified under the act. The completed documentation form shall be accompanied by the REQUIRED statutory fee ~~of \$40.00~~.

(3) THE QUALIFYING PERSON SHALL SIGN THE DOCUMENTATION FORM STATING THE SUPERVISORY RESPONSIBILITIES OF A QUALIFYING PERSON HAVE BEEN MET. THE RESPONSIBLE PERSON SHALL SIGN THE DOCUMENTATION FORM STATING THAT THE REQUIREMENTS OF SUBRULE (1) OF THIS RULE HAVE BEEN SATISFIED.

~~(3)~~ (4) Any fee submitted by a firm which is not certified under the act or which has had its certificate suspended or revoked is not subject to refund.

**R 29.2811 Electrical inspection.**

Rule 11. The installation or modification of any electrical equipment or wiring shall be performed by firms and personnel licensed in compliance with ~~Act No. 217 of the Public Acts of 1956, 1956 PA 217, as amended, being § MCL 338.881 et seq. of the Michigan Compiled Laws,~~ and under permit and inspection in compliance with ~~Act No. 230 of the Public Acts of 1972 1972 PA 230, as amended, being § MCL 125.1501 et seq. of the Michigan Compiled Laws.~~ FINAL APPROVAL OF THE PROJECT BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, WILL NOT BE GRANTED UNTIL ELECTRICAL APPROVAL HAS BEEN VERIFIED. A certificate of approval of the installation or modification of any electrical equipment or wiring from the electrical inspection authority having jurisdiction shall be provided by the certified firm to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.

**R 29.2811A INSPECTION.**

RULE 11A. BEFORE FINAL APPROVAL OF A PROJECT, A RESPONSIBLE PERSON SHALL BE PRESENT TO PERFORM ALL REQUIRED TESTS DURING SYSTEM INSPECTION BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.

**R 29.2812 Record keeping.**

Rule 12. (1) A firm certified by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, shall maintain a record of the installation, modification, and documentation of each required fire alarm system or required fire suppression system the firm installs, modifies, or documents. These records shall include, but ~~are~~ not BE limited to, all of the following information:

- (a) The name and location of the facility.
- (b) The name and location of the owner or operator of the facility.
- (c) The type of required fire alarm system or required fire suppression system installed in the facility.
- (d) The name of the firm installing the required fire alarm system or required fire suppression system if other than the firm documenting the required fire alarm system or required fire suppression system.
- (e) The specific codes, rules, or laws requiring the fire alarm system or fire suppression system.
- (f) Copies of all plans and specifications, shop drawings, “as built” drawings, manufacturer’s data on all equipment and devices, manufacturer’s installation, and maintenance instructions regarding the required fire alarm system or required fire suppression system.
- (g) Copies of all tests, certificates, and approvals of the required fire alarm systems or required fire suppression systems.

(2) A copy of the records specified in subrule (1) of this rule shall be kept in the building or other location approved by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, in which the required fire alarm system or required fire suppression system is installed.

(3) A firm certified by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, shall maintain a record of all testing, service, inspection, and maintenance performed on a required fire alarm system or required fire suppression system. These records shall include, but ~~are~~ not BE limited to, all of the following information:

- (a) The name and location of the facility.
- (b) The date of work on the required fire alarm system or required fire suppression system.
- (c) The name of the certified firm and technician performing the work at that time.

- (d) The reason for work on the required fire alarm system or required fire suppression system.
  - (e) The test, service, inspection, or maintenance actually performed on the required fire alarm system or required fire suppression system.
  - (f) The results of the test, service, inspection, or maintenance on the required fire alarm system or required fire suppression system.
  - (g) Identification and location in the required fire alarm system or required fire suppression system of the parts replaced or repaired.
  - (h) The operational status of the required fire alarm system or required fire suppression system after testing, service, inspection, or maintenance has been performed.
  - (i) The IMMEDIATE notification and recommendation to the owner or operator of the required fire alarm system or required fire suppression system if the required fire alarm system or required fire suppression system is not completely operational or will be out of service and the expected duration of the out-of-service condition.
  - (j) The owner's or operator's acknowledgement of the required fire alarm system's condition or the required fire suppression system's condition.
- (4) A copy of the records specified in subrule (3) of this rule shall be maintained and displayed at the location of the main system control or other location approved by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY.
- (5) The owner or operator of a required fire alarm system or required fire suppression system shall maintain records of all tests, service, inspections, and maintenance performed pursuant to R 29.2802. These records shall comply with the requirements of subrules (3) and (4) of this rule.
- (6) All records required to be maintained by these rules shall be available for inspection by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, during normal business hours. A person shall not alter, deface, or remove the records required to be maintained by these rules.

**R 29.2813 Availability of drawings during inspection.**

Rule 13. A drawing which depicts the completed installation or modification of a required fire alarm system or required fire suppression system as built shall be available to the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, for use during an inspection of a required fire alarm system or required fire suppression system. These drawings AND THE DRAWINGS FOR ALL SUBSEQUENT MODIFICATIONS shall be maintained with the records required by these rules. The drawings shall depict, at a minimum, all of the following:

- (a) The location and description of all control devices and equipment of the required fire alarm system or required fire suppression system.
- (b) The layout, routing, and sizing of all piping and wiring of the required fire alarm system or required fire suppression system.
- (c) The location of all junction boxes and terminations of the required fire alarm system or required fire suppression system.

**R 29.2814 Notice of noncompliance.**

Rule 14. A firm, owner, QUALIFYING PERSON, or operator of a required fire alarm system or required fire suppression system who is found to have installed, modified, serviced, inspected, or documented a required fire alarm system or required fire suppression system in a manner which is not in compliance with sections 26 through 33 of the act shall be notified, in writing, by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, of the specific conditions of noncompliance.

The firm, owner, QUALIFYING PERSON, or operator who is notified of noncompliance shall, within 10 days after THE ISSUANCE OF the notification of noncompliance, signify, in writing, the intention to correct the condition of noncompliance, stating a date by which the condition of noncompliance will be corrected. ~~Such~~ THE date shall be subject to ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, approval. The failure on the part of a firm, an owner, A QUALIFYING PERSON, or an operator who has been notified of a condition of noncompliance to signify in writing the intention to comply within the time limits prescribed in this rule or the failure to correct the condition of noncompliance by the date approved by the ~~state fire marshal~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, OFFICE OF FIRE SAFETY, shall be considered a refusal to comply. A REFUSAL TO COMPLY WILL RESULT IN THE IMMEDIATE SUSPENSION OF THE FIRM'S CERTIFICATION AND IMMEDIATE SUSPENSION OF THE STATUS OF THE QUALIFYING PERSON. THE SUSPENSION WILL REMAIN IN EFFECT UNTIL THE CERTIFIED FIRM OR THE QUALIFYING PERSON REQUESTS AN APPEAL HEARING WITH THE STATE FIRE SAFETY BOARD. THE STATE FIRE SAFETY BOARD MAY AFFIRM, REVERSE, OR MODIFY THE SUSPENSION OR MAY REVOKE THE CERTIFICATION OF A FIRM IN ACCORDANCE WITH SECTION 32 OF THE ACT.

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**NOTICE OF PUBLIC HEARING**

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**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**OFFICE OF FIRE SAFETY**

**"CERTIFICATION OF FIRMS FOR FIRE ALARM SYSTEMS AND FIRE  
SUPPRESSION SYSTEMS IN STATE-REGULATED FACILITIES"**

**RULE SET 2000-091 CI**

September 27, 2002

10:00 a.m.

General Office Building

7150 Harris Drive; Lansing, Michigan

1st Floor Conference Room A

The Department of Consumer and Industry Services will hold a public hearing to receive comments from the public on proposed changes to the administrative rules for the certification of firms for fire alarm systems and fire suppression systems in state-regulated facilities. Persons unable to attend the hearing may send comments via mail or e-mail to the addresses listed below. Comments must be received no later than October 4, 2002. Copies of the rules are available upon request at the address below.

These rules will become effective seven (7) days after being filed with the Michigan Department of State, Office of the Great Seal.

The rules [Rule Set 2000-091 CI] appear in the *Michigan Register*, September 15, 2002 and have been posted on the Michigan government internet web site at <http://www.michigan.gov/orr>. To request printed or electronic copies of the rules, contact:

Dept. of Consumer and Industry Services  
Office of Fire Safety  
Attention: "Fire Alarm/Suppression Certification Rules"  
P. O. Box 30700  
Lansing MI 48909-8200

Phone: 517/322-1002. FAX: 517/322-1356. e-mail: [ddykst@michigan.gov](mailto:ddykst@michigan.gov)

The hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance may call 517/322-1002 to make arrangements.



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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*(a) Executive orders and executive reorganization orders.”*

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER**

**No. 2002 - 15**

**HOSPITAL ADVISORY COMMISSION**

**DEPARTMENT OF COMMUNITY HEALTH**

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, the health and welfare of Michigan's citizens are of paramount importance, and the state has established a variety of effective programs to assist in meeting the health care needs of Michigan's residents; and

WHEREAS, while these successes have been significant, the federal funding of Medicaid is currently inadequate and Medicaid is one of the largest and fastest growing components of the state budget, making it difficult, if not impossible, to increase funding for other priorities.; and

WHEREAS, it is the continuing goal of this administration to encourage our health leaders in Michigan to help achieve our most important health care objectives by volunteering their time, effort, expertise, and service; and

WHEREAS, Michigan's hospitals have an integral role in maintaining the health of individuals served within our complex and comprehensive health care system; and

WHEREAS, the need for fiscal restraint and responsible planning are critical to the prudent management of the state's resources in order to continue to pay for the health care needs of our most vulnerable citizens; and

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the establishment of the Hospital Advisory Commission and the following:

**I. DEFINITIONS**

As used herein:

A. The "Commission" means the Hospital Advisory Commission established in this Executive Order.

B. The "Department" means the Department of Community Health, the principal department of state government created by Executive Order 1996-1, being Section 330.3101 of the Michigan Compiled Laws.

## **II. ESTABLISHMENT OF COMMISSION**

A. The Hospital Advisory Commission is established in the Department of Community Health as an advisory body.

B. The Commission shall be composed of seven (7) members who shall be appointed by the Governor, the majority of whom shall represent geographically distributed non-profit hospital systems in Michigan. The Director of the Department of Community Health and the State Budget Director shall serve as an “ex-officio,” non-voting members of the Commission.

C. Except as otherwise provided in this subsection, members of the Commission shall hold office for a term of four (4) years. However, of the members initially appointed, two (2) shall hold office for a term of two (2) years, two (2) shall hold office for a term of three (3) years, and three (3) shall hold office for a term of four (4) years.

D. A vacancy on the Commission shall be filled in the same manner as the original appointment.

E. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she succeeds in the same manner as the original appointment. A member may be reappointed for additional terms.

F. The Governor shall designate one (1) member of the Commission to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.

## **III. CHARGE TO THE COMMISSION**

The Commission is advisory in nature and shall act as a statewide advisory body to assist the Director of the Department in assuring hospital access to health care for the uninsured, underinsured, and the Medicaid population.

A. The Commission shall advise the Director on:

1. Mechanisms to increase patient safety and reduce medical errors for hospital patients.
2. The distribution of state Disproportionate Share Hospital funds and other federal funding for hospitals at the request of the Department Director.
3. Development of a partnership between the state and its hospitals to maximize federal funding opportunities for health care.
4. Mechanisms to promote hiring and retention of nurses and other health personnel considered in short supply.
5. Ways to secure additional funds for statewide programs, including mechanisms to increase Michigan’s share of federal Medicaid funds.

6. Mechanisms to partner with the state to reduce pharmaceutical expenses.

B. The Commission shall report within one year of the effective date of this order to the Director on:

1. The effects of Medicare funding for hospitals and the relationship of this funding to the Medicaid program.

2. The effects of rising medical malpractice premiums in the health care industry and advise on mechanisms to reduce hospital and health care system costs and liability.

3. The basis of increased utilization trends for hospital services and recommendations on reducing inappropriate utilization of resources.

C. The Commission shall recommend to the Director:

Mechanisms to allow hospitals to more effectively network with the Life Science Corridor.

2. Methods for hospitals to partner with the state in effective wellness and prevention programs.

#### **IV. OPERATIONS OF THE COMMISSION**

A. The Commission may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation, and procedure.

B. Members of the Commission shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The Commission shall act by the majority vote of its serving members.

C. The Commission shall meet at the call of the chairperson and as may be provided in the bylaws of the commission. Meetings of the Commission may be held at any location within the state of Michigan. The Commission shall meet at least semi-annually and may meet by conference call or teleconference.

D. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may consult with outside experts in order to perform its duties.

E. The Commission may establish one or more subcommittees consisting of Commission members to investigate and analyze specific issues, consistent with the charge to the Commission contained in Section III of this order. The chair of the Commission, or a member of the Commission designated by the chair, shall be a member of each subcommittee established by the Commission. Subcommittees may recommend proposed actions, plans, comments, formulas, measures, reports, or policies to the Commission, consistent with the Commission's charge. The Commission may adopt, reject, or modify recommendations proposed by subcommittees.

F. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

G. The Department may hire or retain such contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the Commission's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules, and procedures of the Department of Management and Budget and the Civil Service.

H. Subject to appropriations and other applicable law, the Commission may apply for, receive, and expend monies from a source, public or private, including but not limited to, gifts, grants, donations of monies, and government appropriations. The Commission may also accept donations of labor, services, or other things of value from any public or private agency or person.

I. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

J. The Commission shall be staffed by personnel as designated by the Director of the Department.

## **V. MISCELLANEOUS**

A. All departments, committee, commissioners, or officers of the state or of any political subdivision thereof shall give to the commission, or to any member or representative thereof, any necessary assistance required by the commission, or any member or representative thereof in the performance of the duties of the commission so far as is compatible with its, his or her duties; free access shall also be given to any books, records, or documents in its, his or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this \_\_\_\_\_ day of August, in the Year of our Lord, Two Thousand Two.

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GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**OPINIONS OF THE  
ATTORNEY GENERAL**

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*MCL 14.32 states in part:*

*“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(j) Attorney general opinions. ”*

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**OPINIONS OF THE ATTORNEY GENERAL**

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DEEDS AND CONVEYANCES: Register of deeds duty to record and index  
mortgage document where mortgagee is listed  
MORTGAGES: as nominee  
REAL ESTATE:  
REGISTER OF DEEDS:

A county register of deeds may not decline to accept for recording a mortgage, assignment of mortgage, or discharge of mortgage on the ground that the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee.

When recording and indexing a mortgage document in which the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee, the county register of deeds may list the mortgagee as "nominee" or, when appropriate, nominee for identified principal.

Opinion No. 7116

August 28, 2002

Honorable A. T. Frank  
State Representative  
The Capitol  
Lansing, MI

You have asked two questions concerning the duties of a county register of deeds in processing a mortgage, assignment of a mortgage, and discharge of mortgage where the document's mortgagee is identified as a nominee.

Your first question asks whether a county register of deeds may decline to accept for recording a mortgage, assignment of mortgage, or discharge of mortgage on the ground that the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee.

Information supplied with your request indicates that several county registers of deeds have received for recording documents in which a mortgage, assignment of mortgage, or a discharge of mortgage is given by the Mortgage Electronic Registration System Inc. (MERS), an organization of lending institutions established to serve as mortgagee of record for mortgage lenders who participate in the MERS system.

OAG, 1999-2000, No 7067, p 158 (November 29, 2000), which considered the nature of the office of county register of deeds, stated in part as follows:

Const 1963, art 7, § 4, provides for the office of county register of deeds "whose duties and powers shall be provided by law." The powers and duties assigned to this office are ministerial, not discretionary, in nature. *Youngblood v US*, 141 F2d 912, 913 (CA 6, 1944). The county register of deeds must accept for filing or recording all deeds or other instruments affecting title to real or personal property for which the law provides as long as (i) the instruments satisfy the legal requirement for form and (ii) the requisite filing or recording fees are paid. *Van Husan v Heames*, 96 Mich 504, [508-509]; 56 NW 22 (1893). [See also 1 OAG, 1955, No 2065, p 576, 578 (November 1, 1955).]

In the Recording Requirements Act, 1937 PA 103, MCL 565.201 *et seq*, the Legislature has set forth the requirements governing recordation of documents by the county register of deeds. Section 1 enumerates these requirements as they relate to the form of the document submitted for recording. Subsection (b) of this section imposes a duty on the county register of deeds to ascertain that:

A discrepancy does not exist between the name of each person as printed, typewritten, or stamped beneath their signature and the name as recited in the acknowledgment or jurat on the instrument.

No provision in the Recording Requirements Act suggests that a discrepancy will exist in a mortgage instrument simply because a mortgagee is listed as a nominee of a mortgagee who remains undisclosed.



The term "nominee" was defined in *Schuh Trading Co v Comm'r of Internal Revenue*, 95 F 2d 404, 411 (CA 7, 1938), as follows:

The word nominee ordinarily indicates one designated to act for another as his representative in a rather limited sense. It is used sometimes to signify an agent or trustee. It has no connotation, however, other than that of acting for another, or as the grantee of another. . . .

Michigan law vests no authority upon a county register of deeds to decline to record a mortgage or mortgage-related instrument on the basis that a nominee's name appears on the document. As long as the instrument conforms to the specific requirements contained in the Recording Requirements Act, a county register of deeds is required to accept and record the instrument, provided the requisite recording fees are paid.

It is my opinion, therefore, in answer to your first question, that a county register of deeds may not decline to accept for recording a mortgage, assignment of mortgage, or discharge of mortgage on the ground that the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee.

Your second question asks how a county register of deeds may list the mortgagee in the register's records when the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee.

The Conveyances, Deeds, and Mortgages Act, RS 1846, c 65, MCL 565.1 *et seq*, directs that "[e]very register of deeds shall keep an entry book of deeds and an entry book of mortgages, each page of which shall be divided into 6 columns, with title or heads to the respective columns . . . ." Section 24. In that same Act, the Legislature has imposed a duty upon a county register of deeds to enter into the entry book of mortgages all mortgages and assignments of mortgages. Section 25. The register of deeds is also required to keep a general index to each set of books in which the register "shall enter alphabetically the name of each party

to each instrument recorded by the register of deeds, with a reference to the book and page where the instrument is recorded." Section 28.

The first step in ascertaining legislative intent is to look to the text of the statute. *Piper v Pettibone Corp*, 450 Mich 565, 571; 542 NW2d 269 (1995). Where the language of the statute is clear and unambiguous, the Legislature's intent must be carried out according to its plain meaning. *Dean v Dep't of Corrections*, 453 Mich 448, 454; 556 NW2d 458 (1996). In such instances, statutory construction is neither required nor permitted; rather, the court must apply the statutory language as written. *Piper, supra*, at 572.

It is my opinion, therefore, in answer to your second question, that when recording and indexing a mortgage document in which the mortgagee is identified as a nominee of a disclosed or undisclosed mortgagee, the county register of deeds may list the mortgagee as "nominee" or, when appropriate, nominee for identified principal.

JENNIFER M. GRANHOLM  
Attorney General

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2002 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2002 SESSION)**

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The Table of Enrolled Senate and House Bills Signed Into Law Or Vetoed (2002 Session) is unchanged from the table appearing in Michigan Register 2002, MR 15.

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2002 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(i) Other official information considered necessary or appropriate by the office of regulatory reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2002 RULE FILINGS)**

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.408.24	R	12	285.1302	*	6
285.351	N	4	285.408.25	R	12	285.1303	*	6
285.352	N	4	285.408.27	R	12	285.1304	*	6
285.353	N	4	285.408.29	R	12	285.1306	*	6
285.354	N	4	285.409.1	R	12	285.1307	*	6
285.355	N	4	285.636.1	*	13	285.1308	*	6
285.356	N	4	285.636.2	*	13	285.1309	*	6
285.400.1	R	12	285.636.3	*	13	285.1310	*	6
285.402.1	R	12	285.636.4	*	13	285.1311	*	6
285.404.1	R	12	285.636.5	*	13	285.1312	*	6
285.405.1	R	12	285.636.7	*	13	285.1313	*	6
285.407.1	R	12	285.636.8	*	13	285.1314	*	6
285.407.2	R	12	285.636.10	R	13	285.1315	*	6
285.407.3	R	12	285.636.12	*	13	285.1316	*	6
285.407.4	R	12	285.636.15	*	13	285.1317	*	6
285.407.5	R	12	285.808.1	*	8	285.1318	*	6
285.407.6	R	12	285.808.2	*	8	285.1319	*	6
285.408.1	R	12	285.812.1	*	13	285.1320	*	6
285.408.2	R	12	285.812.3	*	13	285.1321	*	6
285.408.3	R	12	285.812.4	*	13	285.1322	*	6
285.408.4	R	12	285.812.6	*	13	285.1323	*	6
285.408.5	R	12	285.812.6a	R	13	285.1324	*	6
285.408.2	R	12	285.812.7a	*	13	285.1325	*	6
285.408.5	R	12	285.814.1	*	8	285.1326	*	6
285.408.6	R	12	285.814.2	*	8	285.1327	*	6
285.408.7	R	12	285.814.3	*	8	285.1328	*	6
285.408.8	R	12	285.814.4	*	8	285.1329	*	6
285.408.9	R	12	285.814.5	*	8	285.1330	*	6
285.408.10	R	12	285.814.7	*	8	285.1331	*	6
285.408.11	R	12	285.820.1	*	8	285.1332	*	6
285.408.12	R	12	285.820.5	*	8	285.1401	*	6
285.408.13	R	12	285.820.6	*	8	285.1402	R	6
285.408.14	R	12	285.1101	*	6	285.1403	*	6
285.408.15	R	12	285.1102	*	6	285.1404	R	6
285.408.16	R	12	285.1103	*	6	285.1405	*	6
285.408.17	R	12	285.1104	*	6	285.1406	*	6
285.408.18	R	12	285.1201	*	6	285.1407	R	6
285.408.19	R	12	285.1202	*	6	285.1408	*	6
285.408.21	R	12	285.1203	*	6	285.1501	*	6
285.408.23	R	12	285.1301	*	6	285.1510a	A	6

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1502	*	6	291.304	*	8	291.375	*	8
285.1503	*	6	291.311	*	8	291.377	*	8
285.1504	*	6	291.312	*	8	291.378	*	8
285.1505	*	6	291.313	*	8	291.379	*	8
285.1506	*	6	291.314	*	8	291.381	*	8
285.1507	*	6	291.315	*	8	291.391	*	8
285.1508	*	6	291.316	*	8	291.392	*	8
285.1509	*	6	291.317	*	8	291.393	*	8
285.1510	*	6	291.318	*	8	291.394	*	8
285.1511	*	6	291.319	*	8	291.395	*	8
285.1512	*	6	291.321	*	8	291.397	*	8
285.1513	*	6	291.322	*	8	291.398	*	8
285.1514	*	6	291.331	*	8	291.399	*	8
285.1515	*	6	291.332	*	8	291.400a	A	8
285.1516	R	6	291.333	*	8	291.401	*	8
285.1517	*	6	291.334	*	8	291.402	*	8
285.1601	R	6	291.335	*	8	291.403	*	8
285.1602	*	6	291.336	*	8	291.404	*	8
285.1603	*	6	291.337	*	8	291.405	*	8
285.1604	*	6	291.338	*	8	291.407	A	8
285.1605	*	6	291.339	*	8	291.413	*	8
285.1606	*	6	291.341	*	8	291.422	*	8
285.1607	*	6	291.342	*	8	291.423	*	8
285.1608	R	6	291.343	*	8	291.424	A	8
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
291.491	*	8	318.122	*	13	325.11506	*	10
291.492	*	8	318.123	*	13	325.60151	*	1
291.493	*	8	318.124	*	13	325.60701	A	14
291.494	*	8	318.126	R	13	325.60702	A	14
291.495	R	8	318.127	*	13	325.60703	A	14
291.496	*	8	318.129	*	13	325.60704	A	14
291.497	*	8	318.133	*	13	325.66201	A	4
299.641	R	12	318.134	*	13	325.77101	*	1
299.642	R	12	318.135	R	13	336.1102	*	10
299.643	R	12	318.136	*	13	336.1104	*	10
299.644	R	12	318.141	*	13	336.1105	*	10
299.645	R	12	318.142	*	13	336.1107	*	10
299.646	R	12	318.143	*	13	336.1108	*	10
299.647	R	12	318.144	*	13	336.1113	*	10
299.648	R	12	318.145	*	13	336.1118	*	10
299.649	R	12	318.145b	*	13	336.1120	*	10
299.650	R	12	318.146	*	13	336.1301	*	5
299.651	R	12	318.147	R	13	336.1303	*	5
299.652	R	12	325.10103	*	10	336.1330	*	5
299.653	R	12	325.10105	*	10	336.1331	*	5
299.654	R	12	325.10106	*	10	336.1371	*	5
299.655	R	12	325.10107	*	10	336.1372	*	5
299.656	R	12	325.10108	*	10	336.1374	*	5
299.657	R	12	325.10109	*	10	336.1401	*	5
299.658	R	12	325.10112	*	10	336.1403	*	5
299.659	R	12	325.10116	A	10	336.1601	*	5
299.1027	*	12	325.10410	*	10	336.1602	*	5
318.111	*	13	325.10604c	*	10	336.1604	*	5
318.112	R	13	325.10604f	*	10	336.1605	*	5
318.113	R	13	325.10705	*	10	336.1606	*	5
318.114	R	13	325.10710	*	10	336.1607	*	5
318.115	R	13	325.10710a	*	10	336.1608	*	5
318.116	R	13	325.10710b	*	10	336.1610	*	5
318.117	R	13	325.10710c	*	10	336.1615	*	5
318.118	R	13	325.10710d	*	10	336.1616	*	5
318.119a	R	13	325.10716	*	10	336.1617	*	5
318.119c	R	13	325.10717b	*	10	336.1618	*	5
318.119d	R	13	325.10734	*	10	336.1619	*	5
318.120	R	13	325.10736	R	10	336.1622	*	5
318.121	*	13	325.10738	R	10	336.1623	*	5

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)



R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number
336.1627	*	5	336.2190	*	5	339.22203	*	16
336.1628	*	5	338.1555	A	1	339.22205	*	16
336.1629	*	5	338.3101	*	7	339.22207	*	16
336.1630	*	5	338.3102	*	7	339.22209	*	16
336.1631	*	5	338.3113	*	7	339.22211	*	16
336.1651	*	5	338.3113a	*	7	339.22213	*	16
336.1701	*	5	338.3114a	*	7	339.22215	*	16
336.1702	*	5	338.3117	*	7	339.22301	*	16
336.1703	*	5	338.3119a	*	7	339.22305	*	16
336.1704	*	5	338.3120	*	7	339.22307	*	16
336.1705	*	5	338.3121a	A	7	339.22309	*	16
336.1901	*	5	338.3123	*	7	339.22310	A	16
336.1906	*	5	338.3125	*	7	339.22311	*	16
336.1911	*	5	338.3126	A	7	339.22313	*	16
336.1915	A	10	338.3127	*	7	339.22315	*	16
336.1916	A	10	338.3132	*	7	339.22317	*	16
336.1930	*	5	338.3133	R	7	339.22321	*	16
336.1931	*	5	338.3134	R	7	339.22323	*	16
336.1932	*	5	338.3136	*	7	339.22325	*	16
336.2001	*	5	338.3138	*	7	339.22333	*	16
336.2002	*	5	338.3139	*	7	339.22339	*	16
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336.2021	*	5	338.3161	*	7	339.22604	A	16
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336.2101	*	5	338.3167	*	7	339.22631	*	16
336.2150	*	5	338.3168	*	7	339.22633	R	16
336.2155	*	5	338.3169	*	7	339.22635	R	16
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336.2175	*	5	339.22103	*	16	339.22654	A	16
336.2189	*	5	339.22201	*	16	339.22655	*	16

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339. 22337	*	16	340.1721b	*	11	340.1747	*	11
339.23101	*	9	340.1721c	*	11	340.1748	*	11
339.23103	*	9	340.1721d	*	11	340.1749	*	11
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339.23203	*	9	340.1722	*	11	340.1749b	*	11
339.23207	*	9	340.1722a	*	11	340.1749c	*	11
339.23301	*	9	340.1722c	R	11	340.1750	*	11
339.23303	*	9	340.1722d	R	11	340.1751	*	11
339.23307	*	9	340.1722e	*	11	340.1753	R	11
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339.23323	*	9	340.1724	*	11	340.1771	*	11
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339.23405	*	9	340.1724d	*	11	340.1781	*	11
340.1701	*	11	340.1725	R	11	340.1782	*	11
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340.1701c	A	11	340.1725c	R	11	340.1784	R	11
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340.1799e	A	11	408.11804	*	7	418.10115	*	1
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